

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

**29**

Application Number

10/618,009

Filing Date

07/11/2003

First Named Inventor

Andersen, Barry

Art Unit

3618

Examiner Name

Shriver, James Allen II

Attorney Docket Number

06975\_00/2001

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

Check No. **53533**  
Return Receipt Postcard**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Chambliss, Bahner & Stophel, P.C.		
Signature	<i>Paul S. Weidlich</i>		
Printed name	Paul S. Weidlich		
Date	<b>09/24/2004</b>	Reg. No.	43,980

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Typed or printed name	Paul S. Weidlich	Date	<b>09/24/2004</b>

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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

**Complete if Known**

Application Number	10/618,009
Filing Date	07/11/2003
First Named Inventor	Andersen, Barry
Examiner Name	Shriver, James Allen II
Art Unit	3618
Attorney Docket No.	06975_00/2001

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number  
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Account  
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The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$ 0	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims	19	-20** =	0	X		
Independent Claims	2	-3** =	0	X		
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00

**SUBMITTED BY**

(Complete if applicable)

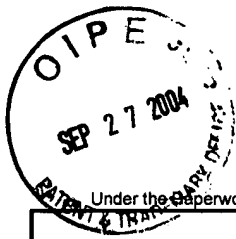
Name (Print/Type)	Paul S. Weidlich	Registration No. (Attorney/Agent)	43,980	Telephone	423-756-3000
Signature		Date	09/24/2004		

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Date

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Paul S. Weidlich

Typed or printed name of person signing Certificate

43,980

Registration Number, if applicable

423-756-3000

Telephone Number

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Amendment/Response to Office Action

Check No. 53533

Fee Transmittal

Transmittal Form

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Petition for Extension of Time Under 37 C.F.R. 1.136(a)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of Barry Andersen )  
For: Mud Flap ) Examiner: James Allen Shriver, II  
Serial No.: 10/186,009 )  
Filed: July 11, 2003 ) Art Unit: 3618

AMENDMENT/RESPONSE TO OFFICE ACTION

September 24, 2004

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on May 24, 2004 (the "Office Action"). Claims 1-20 are pending in the application. Claims 1-6, 8-14 and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,273,318 of Nakayama et al. ("Nakayama '318"). Claims 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama '318 in view of U.S. Patent No. 5,366,247 of Fischer ("Fischer '247"). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama '318 in view of U.S. Patent No. 5,145,617 of Hermanson et al. ("Hermanson '617"). In addition, the drawings have been objected to based upon informalities.

On September 15, 2004, Examiner James Allen Shriver, II and counsel for Applicant conducted a telephone interview, the substance of which is summarized in Applicant's "Written Statement

Regarding Telephone Interview Pursuant To 37 C.F.R. § 1.133(b)” which was filed on September 21, 2004. As described more fully below, the amendments discussed during the telephone interview and agreed to by Examiner Shriver have been incorporated into this Amendment/Response to Office Action.

More particularly, Applicant has now amended the claims of his application to address the rejections cited in the Office Action. Indeed, Applicant has amended claim 1, and by dependency therefrom claims 2-18, and claim 19, and by dependency therefrom claim 20, as described in more detail below. In addition, Applicant has canceled claim 4. Applicant has also addressed the objections to Figure 5 based upon the informalities cited in the Office Action. Finally, Applicant offers the following remarks to address the rejections of his claims and the objections to his drawings. Applicant respectfully requests reconsideration of the application in view of such remarks and amendments.

Because no claims are being added beyond the number for which a fee was previously paid, the filing of this Amendment/Response to Office Action does not require the payment of an additional filing fee. Applicant submits herewith a Petition for Extension of Time in which to Respond to Office Action and a check in the amount of \$55.00 to cover the fee for a one-month extension.